

OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

DECEMBER 15, 2015

RULEMAKING ACTION:

Rule Impact Statement – Chapter 1

BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULES:

The Board is clarifying the procedures for citations and fines as well as deleting specific fines in order to remove subjectivity in the fine process.

DESCRIPTION OF THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:

Licenses that will be affected by the proposed amended rules only if found to not be in compliance with Board rules, regulations and/or the Cosmetology and Barbering Act. This would allow for greater protection of the public when they receive cosmetology and barbering services.

DESCRIPTION OF THE CLASSES OF PERSON WHO WILL BENEFIT FROM THE PROPOSED RULES:

It is anticipated that the licenses and the general public will benefit from the proposed rules and the amendments are believed to be a positive change to provide greater protection of the public when they receive cosmetology and barbering services.

DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDING A LISTING OF ALL FEE CHANGES AND, WHENEVER POSSIBLE, A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:

There may be a minimal economic impact (if any) if the proposed rules become effective upon Establishments and licenses but the cost for compliance will be minimal.

PROBABLE COSTS AND BENEFIT TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE, AND ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES IF IT CAN BE PROJECTED BY THE AGENCY:

There may an additional cost to the agency for attorney fees for litigation purposes at hearing regarding citations. There would be a positive impact to the state's revenues because the agency, by statute, gives 10% of its revenue to the state's General Fund. Therefore, with any citations collected, the state's General Fund would receive 10% of this.

DETERMINATION ON WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS OR REQUIRE COOPERATION IN IMPLEMENTING OR ENFORCING THE RULE:

There is no economic impact on any political subdivision from the proposed rules, and cooperation from any political subdivision is not required in implementing or enforcing the proposed rules.

EXPLANATION OF THE MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:

There are no anticipated additional costs for complying with the proposed rule changes. There is no less costly, nonregulatory method or less intrusive method for achieving the purpose of the proposed rules in order to protect the general public and fulfill the statutory mission of the Board.

DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK.

There will be a positive effect on the public health and general welfare of consumers of cosmetology and barbering services because the proposed rules will protect them by reducing the risk of transmitting disease by requiring higher standards of sanitation and disinfection and eliminating change of physical harm by adoption barber fines for violations and applying them to all licensees. It will also be protective to the general public because it will help to ensure that practitioners are licensed to practice in their field.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

There may be a detrimental effect on the public health and safety of consumers of cosmetology and barbering services if the proposed rules are not implemented. The agency believes there is a need to propose more stringent rules for sanitation, disinfection and safety in cosmetology and barbering establishments based on the rising number of complaints received from consumers and that it apply to all licensees.

DATE THE RULE IMPACT STATEMENT WAS PREPARED:

December 15, 2015